

Status of the Claims

Claims 1-26 are pending.

Claims 1-26 are stand rejected.

REMARKS

Claims 1, 20 and 26 have been amended as discussed with examiner Hunter during a June 6, 2003 phone conference with Mr. Edward Charbonneau, to more particularly point out and distinctly claim that which the Applicants consider to be their invention. Amendments to the dimple elements in claims 1, 20 and 26 are fully supported throughout the specification and drawings, and the amendment does not require a new search. Entry and consideration of the after final amendment of claims 1, 20 and 26, as amended, are respectfully requested as they are considered to advance the application to allowance.

I. Rejections Under 35 U.S.C. § 112

Claims 1-19 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 26 have been amended to more particularly point out what the Applicants consider their invention. Claims 1 and 26 have been

amended to clarify the relationship between the dimple diameters and dimple sets. Reconsideration and removal of the rejections of claims 1 and 26 under 35 U.S.C. 112, second paragraph, are respectfully requested.

Claims 2-19 depend directly or ultimately from claim 1 and are allowable for the reasons given for claim 1. Reconsideration and removal of the rejections of claims 2-19 under 35 U.S.C. 112, second paragraph, are respectfully requested.

II. Rejections Under 35 U.S.C. § 103

Claims 1-19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sullivan et al. (USPN 6,193,616) in view of Kasashima et al. (USPN 6,241,627). Independent claims 1 and 26 have been amended to more particularly point out the dimple selection and placement. The amendments place claims 1-19 and 26 in a condition for allowance as the cited art fails to show or suggest each and every limitation either singly or in combination.

Sullivan et al. does not disclose or suggest having dimples in polygonal configurations including triangles. Claims 1 and 26, as amended, includes polar triangles with dimples selected from one set having one diameter. Sullivan does not show or suggest polar triangles.

Kasashima et al discloses a golf ball having 20 triangles with multiple sets of dimples having different diameters. Kasashima specifically discloses two embodiments, "[i]n a first embodiment, a first dimple having the smallest diameter is located substantially at the vertex" and "[i]n a second embodiment, first dimples having the smallest diameter are equidistantly arranged substantially around the vertex". In both embodiments, each triangle has the *smallest* dimples placed at the vertex of the triangles, which infers that each triangle is composed of dimples having different diameters.

With respect to claims 1 and 26, as amended, Kasashima does not show or suggest a polar triangle having dimples of only one diameter. (See entire specification and Fig. 1 and 2).

Accordingly, neither Sullivan nor Kasashima show or suggest, singly or in combination, the polar triangles of claims 1 and 26 having dimples of only one diameter. For these reasons, Sullivan in view of Kashisima should not properly be considered as rendering claims 1 and 26 obvious. Claims 2-19 are allowable based on their dependency upon claim 1. Reconsideration and removal of the rejection of claims 1-19 and 26 under 35 USC 103(a) are respectfully requested.

Claims 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boehm (USPN 6,218,453) in view of Kasashima et al. (USPN 6,241,627). Claim 20 and dependent claims 21-25, through their dependency, have been amended to more particularly point out what the Applicants consider their invention. Claim 20 has been amended to limit the dimples of the first pattern to having only one diameter. Kasashima as discussed above teaches that all of their triangles must have two or more dimples of different diameters. Thus Kasashima clearly teaches away from the triangles dimples of amended claim 20.

The arrangements of dimples limited to one diameter in the triangle is not taught by Kasashima. Boehm does not discuss dimple patterns or placement. The combination of Boehm with Kasashima fails to teach each and every and every aspect of the Applicants claims. For these reasons, Boehm in view of Kashisima should not properly be considered as rendering claims 20-25 obvious. Applicants respectfully request reconsideration and allowance of claims 20-25.

III. DOUBLE PATENTING REJECTION

Claims 1-26 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,383,093 in view of Sullivan et al (USPN 6,193,616). The Applicants respectfully request that the examiner review 37 CFR 1.130(b) requiring common ownership of the applications. The Sullivan '616 patent is assigned to Spaulding and thus it is not commonly owned. There is no claim of priority or ownership to the Sullivan '616 patent. The double patenting rejection is therefore improper. Applicants respectfully request withdrawal of the obviousness type double patenting rejection.

IV Conclusion

Based on the foregoing, it is respectfully requested that all rejections be withdrawn and the application be passed to issue.

Respectfully submitted,

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MARKED UP CLAIMS SHOWING CHANGES

1. (Twice Amended) A two-piece golf ball comprising
a core having a compression in the range of about 75
PGA to about 89 PGA;

a cover having a Shore D hardness in the range of
about 42 Shore D to about 60 Shore D;

an outer surface divided into a plurality of polygonal
configurations, which include polar triangles; and,

8 a plurality of dimples [comprising sets of dimples
having different diameters] arranged on the outer surface,
10 the plurality of dimples further comprising at least a
first set of dimples having a first diameter and a second
set of dimples having a second diameter that is different
than the first diameter, wherein the polar triangles only
contain dimples from one of the first or second set of
15 dimples.

20. (Twice Amended) A two-piece golf ball comprising:

a core having a compression in the range of about 68
PGA to about 78 PGA;

a cover having a Shore D hardness in the range of
about 42 Shore D to about 60 Shore D; and

an outer surface divided into a plurality of polygonal
configurations, which include triangles; and,

at least 392 dimples arranged on the outer surface, with a first pattern of dimples associated with each triangle ¹⁰ having dimples of only one diameter, a second pattern of dimples associated with each triangle, wherein said dimples are essentially circular with each one of said dimples having a size defined by a diameter in the range of about 0.13 inches to about 0.15 inches, and a depth in the range of about 0.0025 inches to about 0.125 inches.

26. (Amended) A two-piece golf ball comprising

a core having a compression in the range of about 75 PGA to about 82 PGA;

a cover having a Shore D hardness in the range of about 42 Shore D to about 60 Shore D;

an outer surface divided into a plurality of polygonal configurations, which include polar triangles; and,

¹⁵ a plurality of dimples [comprising sets of dimples having different diameters] arranged on the outer surface, the plurality of dimples further comprising at least a first set of dimples having a first diameter and a second set of dimples having a second diameter that is different than the first diameter, wherein the polar triangles only contain dimples from one of the first or second set of dimples.